

AMENDED IN ASSEMBLY APRIL 29, 2013

AMENDED IN ASSEMBLY APRIL 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 806

Introduced by Assembly Member Wilk
(Coauthor: Assembly Member Fox)

February 21, 2013

An act to amend Section 84362 of, and to add Section 84363 to, the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 806, as amended, Wilk. Community colleges: salaries of classroom instructors.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state, and authorizes these districts to provide instruction at community college campuses. Existing law requires that 50% of each district's current expense of education, as defined, be expended for payment of salaries of classroom instructors, as defined. Existing law requires the governing board of each district to provide for an internal audit in accordance with regulations of the board of governors.

This bill would define "salaries of classroom instructors," commencing with the 2014–15 fiscal year, to include, by reference to the Budget and Accounting Manual for California Community Colleges, academic salaries, as defined, including the salaries of counselors; instructional

aide salaries, as defined; and the health and welfare benefits paid to specified personnel. The bill would also authorize the board of governors, commencing with the 2014–15 fiscal year, to establish a committee to review the auditing procedures in order to ensure compliance with the requirement that 50% of each district’s current expense of education be paid for the salaries of classroom instructors.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84362 of the Education Code is amended
2 to read:

3 84362. (a) As used in this section, “salaries of classroom
4 instructors” means: expenditures included in object-of-expenditure
5 classification 1000 for academic salaries, expenditures included
6 in object-of-expenditure classifications 2200 and 2400 for classified
7 salaries *that are* paid to each instructional aide employed by the
8 district where any portion of their duties are required to be
9 performed under the supervision of an instructor, and the health
10 and welfare benefits provided to personnel identified in
11 object-of-expenditure classifications 1000, 2200, and 2400, of the
12 Budget and Accounting Manual for California Community
13 Colleges, except for educational-administrators *administrators’*
14 salaries and benefits as defined in subdivision (b).

15 (b) As used in this section, the following terms have the
16 following meanings:

17 (1) “Academic salaries” means expenditures for salaries of
18 employees in academic positions that require minimum
19 qualifications established by the board of governors.

20 (2) “Educational administrators salaries and benefits” means
21 expenditures for salaries and health and welfare benefits of
22 administrators who are employed in an academic position
23 designated by the governing board of the district as having direct
24 responsibility for supervising the operation of or formulating policy
25 regarding the instructional or student services program of the
26 college or district. Educational administrators include, but are not
27 limited to, chancellors, presidents, and other supervisory or
28 management employees designated by the governing board as
29 educational administrators.

1 (3) “Instructional aide salaries” means expenditures for salaries
2 of classified employees where any portion of their duties is required
3 to be performed under the supervision of an academic employee
4 providing classroom instruction.

5 (c) As used in this section, “current expense of education” means
6 the gross total expended (not reduced by estimated income or
7 estimated federal and state apportionments) for the purposes
8 classified in the final budget of a district (except one which, during
9 the preceding fiscal year, had less than 101 units of full-time
10 equivalent students) for academic salaries other than academic
11 salaries for student transportation, food services, and community
12 services; classified salaries other than classified salaries for student
13 transportation, food services, and community services; employee
14 benefits other than employee benefits for student transportation
15 personnel, food services personnel, and community services
16 personnel; books, supplies, and equipment replacement other than
17 for student transportation and food services; and community
18 services, contracted services, and other operating expenses other
19 than for student transportation, food services, and community
20 services. “Current expense of education,” for purposes of this
21 section, shall not include those expenditures classified as sites,
22 buildings, books, and media and new equipment
23 (object-of-expenditure classification 6000 of the Budget and
24 Accounting Manual for California Community Colleges), the
25 amount expended from categorical aid received from the federal
26 or state government which funds were granted for expenditures in
27 a program not incurring any instructor salary expenditures or
28 requiring disbursement of the funds without regard to the
29 requirements of this section, or expenditures for facility acquisition
30 and construction; and shall not include the amount expended
31 pursuant to any lease agreement for plant and equipment or the
32 amount expended from funds received from the federal government
33 pursuant to the “Economic Opportunity Act of 1964” or any
34 extension of that act of Congress or the amount expended by a
35 community college from state or federal funds received by the
36 community college for grants to community college students or
37 for the employment of community college students.

38 (d) There shall be expended during each fiscal year for payment
39 of salaries of classroom instructors by a community college district,
40 50 percent of the district’s current expense of education.

1 (e) If the board of governors determines that a district has not
2 expended the applicable percentage of current expense of education
3 for the payment of salaries of classroom instructors during the
4 preceding fiscal year, the board shall, in apportionments made to
5 the district from the State School Fund after April 15 of the current
6 fiscal year, designate an amount of the apportionment or
7 apportionments equal to the apparent deficiency in district
8 expenditures. Any amount so designated by the board of governors
9 shall be deposited in the county treasury to the credit of the
10 community college district, but shall be unavailable for expenditure
11 by the district pending the determination to be made by the board
12 of governors on any application for exemption which may be
13 submitted to the board of governors. In the event it appears to the
14 governing board of a community college district that the application
15 of the preceding subdivisions during a fiscal year results in serious
16 hardship to the district, or in the payment of salaries of classroom
17 instructors in excess of the salaries of classroom instructors paid
18 by other districts of comparable type and functioning under
19 comparable conditions, the governing board may apply to the board
20 of governors, in writing, not later than September 15 of the
21 immediately succeeding fiscal year for exemption from the
22 requirements of this section.

23 (f) Immediately upon applying for the exemption described in
24 subdivision (e), the governing board shall provide the exclusive
25 representative of the district's academic employees or, if none
26 exists, the district or college academic senate, and all academic
27 employee organizations eligible for payroll dues deduction, with
28 a copy of the application. The exclusive representative, or the
29 district or college academic senate, and all academic employee
30 organizations eligible for payroll dues deduction, within 30 days
31 of its receipt of the application, may transmit to the board of
32 governors a written statement opposing the application, setting
33 forth reasons for its opposition.

34 (g) Upon receipt of the application described in subdivision (f),
35 duly approved, and of the statement of opposition, if any, the board
36 of governors shall grant the district exemption for any amount that
37 is less than one thousand dollars (\$1,000). If the amount is one
38 thousand dollars (\$1,000) or more, the board of governors may
39 grant the district exemption from the requirement for the fiscal
40 year for which the application is made if a majority of all the

1 members of the board of governors finds, in writing, that the district
2 will in fact suffer serious hardship or will have to pay salaries of
3 classroom instructors in excess of those paid by other districts of
4 comparable type and functioning under comparable conditions
5 unless the district is granted an exemption. If the exemption is
6 granted, the designated moneys shall be immediately available for
7 expenditure by the community college district governing board.
8 If no application for exemption is made or exemption is denied,
9 the board of governors shall order the designated amount or amount
10 not exempted to be added to the amounts to be expended for
11 salaries of classroom instructors during the next fiscal year.

12 (h) The board of governors shall enforce the requirements
13 prescribed by this section, and may adopt necessary rules and
14 regulations to that end. It may require the submission during the
15 college year, by community college district governing boards and
16 county superintendents of schools, of the reports and information
17 as may be necessary to carry out this section.

18 (i) The board of governors, no later than the 10th calendar day
19 of each year of the Legislature, shall submit to the Legislature a
20 written report on the operation, effect, and the extent of compliance
21 with this section by community college districts in the state during
22 the two most recently ended fiscal years. The report shall describe
23 the activities of the board of governors and the chancellor's office,
24 undertaken to ensure compliance with this section, and may contain
25 recommendations for legislation pertaining to that subject.

26 SEC. 2. Section 84363 is added to the Education Code, to read:

27 84363. (a) The board of governors may establish a committee
28 to review the auditing procedures adopted pursuant to Article 2
29 (commencing with Section 84030) to develop ways to ensure
30 compliance with the requirement of subdivision (d) of Section
31 84362 that 50 percent of each district's current expense of
32 education be paid for the salaries of classroom instructors. The
33 membership of the committee shall be as follows:

34 (1) The Chancellor of the California Community Colleges.

35 (2) One certified public accountant, to be selected by the board,
36 who is licensed by the California Board of Accountants and has
37 prepared an annual audit pursuant to subdivision (b) of Section
38 84040.

39 (3) One exclusive representative of classified employees of a
40 district, to be selected by the board.

- 1 (4) One district administrator, to be selected by the board.
- 2 (b) The committee shall review local district auditing procedures
- 3 and recommend to the board any changes to the procedures
- 4 published in the California Community Colleges Budget and
- 5 Accounting Manual that may be necessary to achieve the current
- 6 expense of education requirements contained in subdivision (d)
- 7 of Section 84362.
- 8 SEC. 3. Sections 1 and 2 of this act shall become operative on
- 9 July 1, 2014.